

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 85-89, 96-99, 103-114, and 116-120 are pending in the present application. Claims 85, 103, 107, 114, and 118-119 have been amended. New claim 120 has been added. Support for new claim 120 may be found in claim 85.

In the outstanding Official Action, claim 103 was objected to for allegedly containing an informality. As suggested by the Examiner, claim 103 has been amended so that the term "ph" has been replaced with --pH--.

In the outstanding Official Action, applicants was advised that should claim 85 be found allowable, claim 119 would be objected to under 37 CFR §1.75. However, applicants note that claim 119 has been amended to recite a method for activating a T_H9 δ 2 lymphocyte. In addition, claim 119 has been amended to recite that the lymphocyte is contacted with a compound according to Formula 2.

Thus, in view of the above, applicants believe that it cannot be said that claims 85 and 119 are duplicates.

Claims 85-89, 95, 101, 102, 104, 107-114, 118 and 119 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. Applicants believe that the present amendment obviates this rejection.

At this time, applicants note that claim 85 has been amended to recite "contacting *in vitro*" a Ty982 lymphocyte as suggested by the Examiner at page 9 of the outstanding Official Action. In addition, applicants have canceled claim 94. Thus, in view of the above, applicants believe that the rejections pertaining to claim 85 and its dependent claims 86-89 have been obviated.

As to claims 95 and 101-102, these claims have been canceled.

At this time, applicants traverse the rejection of claim 104. As the Examiner is aware, claim 104 is directed to a composition according to claim 98, wherein the composition is in a form in which it can be topically administered. Claim 104 does not contain recitations directed to delivering the composition to a primate. Thus, claim 104 only recites the form of the composition and does not include recitations directed to its applications. As a result, applicants believe that claim 104 is enabled by the present disclosure.

However, with that said, applicants note that claim 98 is directed to a composition comprising an excipient and a compound that can activate Ty982 lymphocytes, wherein the compound may be selected from a compound of Formula (4) or Formula (5) as set forth in the claimed invention. Applicants do not disclaim any applications for this composition.

As to claims 107-114, applicants note that the claims still recite a method for activating Ty982 lymphocytes in a primate and/or vertebrate, comprising administering to the primate/vertebrate an effective amount of a compound. However, claims 107-114 have been amended to recite that the compound is a compound of Formula 2 as set forth in the claimed invention.

At this time, the Examiner's attention is respectfully directed to the declaration of Jean-Jacques FOURNIE, which provides further evidence that claims 107-114 are enabled by the present disclosure.

Indeed, the declaration provides results from studies relating to the *in vivo* effects of the phosphoepoxide compounds of Formula (2). Upon reviewing the declaration, applicants believe that it is apparent that the administration of the phosphoepoxide compounds of Formula (2) *in vivo* lead to an expansion/activation of lymphocytes. Thus, in view of the teachings of the present disclosure and the additional evidence set forth in the declaration, applicants believe that claims 107-114 are enabled.

Claim 118 has been amended so that it is now dependent on claim 85. As a result, applicants believe that claim 118 is also allowable.

As noted above, claim 119 has been amended to recite a method for activating a Ty982 lymphocyte. While claim 119 no longer recites that the method is practiced in an *in vitro*

environment, applicants note that claim 119 has been amended to recite that the compound is the phosphoepoxide compound of Formula 2. Thus, as noted above, in view of the disclosure of the present application and the additional results set forth in the declaration, applicants believe that claim 119 is also enabled.

Thus, in view of the above, applicants respectfully request that the enablement rejection be withdrawn.

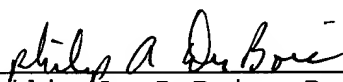
At this time, applicants note with appreciation the indication that claims 96-99 and 103-106 are allowable.

Thus, in view of the present amendment and foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- Declaration of Jean-Jacques FOURNIE